

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, NO. 00-319

Supreme Court Case No.:

_____/

NOTICE OF FORMAL CHARGES

TO: The Honorable Joseph P. Baker
Circuit Judge
Ninth Judicial Circuit
Orange County Courthouse
425 N. Orange Ave.
Orlando, Florida 32801

YOU ARE HEREBY NOTIFIED THAT the Investigative Panel of The Florida Judicial Qualifications Commission, by a vote of at least five members at its meeting held in Miami, Florida on November 10, 2000, has determined, pursuant to Rule 6 of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, Section 12(b) of the Constitution of Florida, that probable cause exists for formal proceedings to be instituted against you.

Formal proceedings accordingly are hereby instituted to inquire into the following charges:

1. During the pendency before you of the case of Universal Business Systems, Inc. v. Disney Vacation Club Management Corp., 2000 WL 905248 (DCA Fla. 5th 2000), without disclosure to counsel or the litigants, you made inquiries of several computer consultants and experts

concerning technical issues relating to the issue of damages in the case.

Subsequently, you reduced a jury award of damages in favor of Universal Business Systems, Inc. to a nominal amount. In your memorandum explaining your decision, you disclosed for the first time that you had made these inquiries, stating only that your decision to reduce the damage award was consistent with the input you received from the unnamed consultants and expert. On appeal, the Fifth District Court of Appeal reversed the ruling on several grounds, including its finding that you improperly considered information gleaned from ex-parte communications in reaching your decision to override the jury's verdict.

2. The initiation of these inquiries and receipt of the advice of the consultants and experts constituted initiation and receipt of improper ex-parte communications on your part.

The acts described above, if they occurred as alleged, were in violation of Canons 1, 2 and 3, of the Code of Judicial Conduct. Further, these acts, if they occurred as alleged, would impair the confidence of the citizens of this state in the integrity of the judicial system and in you as a judge, would constitute conduct unbecoming a member of

the judiciary, could demonstrate your present unfitness to hold the office of judge, and could warrant discipline, including removal from office, and discipline as an attorney.

PLEASE TAKE NOTICE in accordance with the provisions of the Rules of the Florida Judicial Qualifications Commission, as revised, that you have twenty (20) days following service of this notice to file a written answer to these charges. The original of your response and all subsequent pleadings must be filed with Clerk of the Supreme Court of Florida, and you must also comply with the requirements of the Supreme Court requiring simultaneous filing of a DOS formatted three and one-half diskette in Word Perfect 5.1 (or higher) format. Copies of your response should similarly be served on the undersigned General Counsel and all persons (other than your counsel) listed in the certificate of service below.

Dated this _____ day of December, 2000.

INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By:

Thomas C. MacDonald, Jr.
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(813) 226-8826, Facsimile
General Counsel for the Florida
Judicial Qualifications Commission

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Proceedings has been furnished by **United States Certified Mail** #_____, **Return Receipt Requested**, to the Honorable Joseph P. Baker, Circuit Judge, Ninth Judicial Circuit, Orange County Courthouse, 425 N. Orange Ave., Orlando, Florida 32801 and by Facsimile and U.S. Mail to David B. King, Esq., Post Office Box 1631, Orlando, FL 32802-1631 and by U.S. Mail to The Honorable Harvey L. Goldstein, Chair of the Hearing Panel, 714 Dade County Courthouse, 73 West Flagler Street, Miami, FL 33130; Brooke S. Kennerly, Executive Director, 400 S. Monroe, The Historic Capitol, Room 102, Tallahassee, FL 32399; and, John R. Beranek, Counsel to the Hearing Panel, Post Office Box 391, Tallahassee, FL 32302-0391 on this ____ day of December, 2000.

Attorney